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REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend independent claims 1, 10, 19, and 28 to clarify that the point-to-multipoint transmission carried on the common downlink channel is of same data (as supported, e.g., by page 2, line 18, and page 3, line 7).

2. Thank the Examiner for the indication of allowable subject matter in claims 6, 7, 15 and 16.

3. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-5, 8-14, 17, 18, 26, 27, 34 and 35 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Publication 2004/0120280 to Western in view of U.S. Patent Publication 2003/0036359 to Dent. Claims 19-25 and 28-32 stand rejected under 35 USC §102(e) as being anticipated by U.S. Publication 2003/0036359 to Dent. All prior art rejections are respectfully traversed for at least the following reasons.

The cited documents (D1- US 2004/012'Z280, D2- US 2003/0036359 (Ericsson)) are not relevant and not even the combination of the two sited solution presents a solution close to the subject application.

As the Office Action properly appreciates, U.S. Patent Publication 2004/0120280 to Western is neither related to or concerned with to point-to-multipoint channels. Rather, U.S. Patent Publication 2004/0120280 to Western determines which coding schemes are supported by an individual terminal by a trial-and-error approach.

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To compensate this major deficiency of U.S. Patent Publication 2004/0120280 to Western, the office action postulates an unavailing combination of Western with U.S. Patent Publication 2003/0036359 to Dent.   Yet Dent is not related to link adaptation in the sense of selecting modulation and channel coding schemes. Rather, in most embodiments (see Fig. 7A and Fig. 7B) Dent describes a method to provide feed-back about channel state information in a system with multiple transmitters and multiple receivers, and further how to pre-compensate the transmitted signals based on the feed-back in order to avoid cross-correlation between the signals. *See,* for example, col. 6, paragraphs [0070] and [0071]. Basically, in these embodiments Dent describes how to convert a 4x4 MIMO system into four individual channels that do not interfere each other.

Thus, Dent has nothing to do with point-to-multipoint transmission, i.e., the sending *the same data* to multiple terminals on a common downlink channel. Even the Dent embodiment Fig. 8, which has only one base station (BS 12), fails to teach or suggest point-to-multipoint transmission, since different data is destined to each mobile station MS, as evident, e.g., from page 6, paragraph [0078]. (Note that the information symbol streams S1, S2, and S3 contained desired information for a corresponding one of the MSs 16 (i.e., MS1, MS2, and MS3), as explained in page 4, paragraph [0052]).

Applicant explicitly limit all independent claims to Point-to-Multipoint (PMP) transmission on PMP channels, which are entirely different from WCDMA-like physical channel. By contrast, Dent assumes that all terminals try to decode the same composed signal although individual data unique to each recipient station is being transferred. In Dent, the loop-back signal is then used to determine the characteristics of the L1 channels to all mobile stations in order to adapt the individual transmission of the individual data individually for each mobile station.

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Furthermore, Applicants' independent claims 1 and 10 require using/uses "...the feedback regarding link quality to determine whether to change from the first coding scheme to a second coding scheme for the encoding of the point-to-multi point transmission to the **plural mobile** stations". Such is entirely different from Western, who instead proposes to adapt the coding _individually_ per mobile station according to the feedback received (or not received) from that respective mobile station.

Furthermore, Western expects positive feedback - if an acknowledgment is not received, Western selects a more robust encoding. In contrast, in order to not overload the uplink feedback channel, Applicants explicitly expect that the currently used coding scheme is robust enough as long as we do not receive complaints from at least one mobile station.

Accordingly, Dent does not suggest to the person skilled in the art that any technique taught in U.S. Patent Publication 2004/0120280 to Western could be used in a Point-to-Multipoint (PMP) technology (since Dent manifestly does _not_ concern (PMP) technology), nor would the person skilled in the art turn to Dent for such suggestion. Moreover, even if Dent were somehow (improperly) combinable with Western, the postulated combination would lack the changing of coding scheme for plural mobile stations (since Western makes an individual decision for each mobile station).

For these and other reasons, the prior art rejections must fail.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

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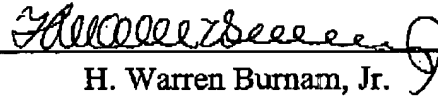Serial No. 10/717,918   **Art Unit:** 2683

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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